

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB720

Hearing Date: January 30, 2008

Committee On: Government, Military and Veterans Affairs

Introducer(s): (Schimek)

Title: Change requirement regarding prerecorded messages

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

5 Yes	Senators Adams, Aguilar, Avery, Karpisek, Rogert
3 No	Senators Friend, Lautenbaugh, Pahls
0 Absent	
0 Present, not voting	

Proponents:

Senator DiAnna Schimek
Anne Boyle
Jack Gould
Frank Daley

Virgil Horne

Representing:

Introducer
Nebraska Public Service Commission
Common Cause
Nebraska Accountability and Disclosure
Commission
Lincoln Public Schools

Opponents:

Larry Ruth
Philip Young

Representing:

First Data Resources
Self

Neutral:

Justin Brady

Nichole Underhill

Representing:

Alltel Communications
Nebraska Financial Services Coalition
Nebraska Public Service Commission

Summary of purpose and/or change:

LB 720 provides requirements for pre-recorded messages or "robocalls."

Amending the Nebraska Political Accountability and Disclosure Act, the bill requires that any person making expenditure to disseminate a prerecorded telecommunication message relating to a candidate or ballot question will include, immediately preceding the

message, the name of the person making the expenditure. Also, such messages will only be disseminated between the hours of 8:00 a.m. and 9:00 p.m. at the location of the person receiving the message.

The bill places similar requirements on persons using an automatic dialing-announcing device under the Automatic Dialing-Announcing Devices Act.

Also, the bill provides that any person contracting with a third party to connect or operate an automatic dialing-announcing device will be jointly and severally liable with the third party for any violation of the Automatic Dialing-Announcing Devices Act or the rules and regulations adopted under the act. A person contracting with a third party to connect or operate such a device is also required to file the script to be used with the Public Service Commission.

Explanation of amendments, if any:

The committee amendment further clarifies the use of pre-recorded messages under the Automatic Dialing-Announcing Devices Act (ADAD Act).

The committee amendment requires that telephone messages, other than telephone solicitations, transmitted by an automatic dialing-announcing device will:

1. at the beginning of the message, clearly state the identity of the person on whose behalf the message is transmitted;
2. during or after the message, state clearly the telephone number or address of the person operating the device; and
3. only transmit messages between the hours of 8 a.m. and 9 p.m. at the location of the person receiving the message.

Also, a person contracting with a third party to connect or operate an automatic dialing-announcing device for other than telephone solicitations, will file with the Public Service Commission the message to be used within 24 hours of the message being transmitted.

The above requirements do not apply to telephone messages, other than telephone solicitations, used by: a) schools transmitting messages to any of its students, parents, or employees b) persons transmitting messages with whom the person placing the call or the person on whose behalf the message is being transmitted has an established business or personal relationship or c) employers transmitting messages advising any of its employees of work schedules.

“Telephone solicitation” is defined under the ADAD Act as a telephone call or message using an automatic dialing-announcing device for the purpose of encouraging the purchase or rental of property, goods or services.

Senator Ray Aguilar, Chairperson